

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**LELAND LOU, TIN S. LOU,  
AND MAE LOU**

**PLAINTIFFS**

**V.**

**NO. 4:12CV00050-MPM-JMV**

**CITY OF GREENWOOD, ET AL.,**

**DEFENDANTS**

**ORDER**

Before the court is Defendants' motion to stay this case and schedule a case management/settlement conference [44]. The court has given due consideration to the motion and the history of this case, and considering the extensive delay already caused by Plaintiffs' and their counsel's failure to cooperate in discovery, the court will not await a response from Plaintiffs.

Defendants explain that despite the court's recent orders compelling Plaintiffs to respond to certain discovery requests and entry of an order sanctioning Plaintiffs' counsel, Plaintiffs' counsel has now failed to respond to their request to schedule Plaintiffs' depositions within the discovery deadline. Consequently, Defendants seek a stay of proceedings and the setting of status conference for the purpose of discussing continuing the trial and extending deadlines.

As an initial matter, it should be noted that the undersigned is without authority to continue the trial setting, the issue being solely within the province of the district judge. Next, in light of the current trial setting, a stay of these proceedings is not feasible. Nevertheless, the court is confident that there is sufficient time for Defendants to adequately prepare their defense without suffering further prejudice. Accordingly, Plaintiffs are hereby **ORDERED** to appear to have their

depositions taken on either July 8-9 or July 11-12– the agreed upon setting to be properly noticed by Defendants. Plaintiffs must appear as ordered herein or risk dismissal of this case, **absent a showing of good cause filed within 24 hours of the filing of this order**. Finally, in an effort to accommodate the parties, the discovery deadline is hereby extended until 7/22/13, and the *Daubert* and dispositive motions deadline is extended until 8/9/13. No further extensions will be allowed.

**IT IS FURTHER ORDERED** that the parties and counsel must appear for a settlement conference which will be set by separate notice. Counsel for Plaintiffs shall provide to Plaintiffs a copy of this order and a copy of the notice of settlement conference sufficiently in time for Plaintiffs to comply with the court's instructions.

**SO ORDERED** this 24<sup>th</sup> day of June, 2013.

/s/ Jane M. Virden  
**U. S. MAGISTRATE JUDGE**